

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEVEN WILLETTE,

Petitioner,

vs

9:02-CV-1071

BRIAN FISCHER,

Respondent.

APPEARANCES:

OF COUNSEL:

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JEANETTE RODRIGUEZ-MORICK, ESQ.
RISA L. VIGLUCCI, ESQ.
Assts. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner, Steven Willette, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By report recommendation dated December 13, 2005, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the petition in this matter be granted with respect to petitioner's conviction on counts two, four, six, and eight of the indictment against him, but that it otherwise be denied and dismissed, and that the matter

be returned to the state courts for further proceedings consistent with the recommendation. Respondent has filed timely objections.

Based upon a de novo determination of the report and recommendations, including the portions to which respondent has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

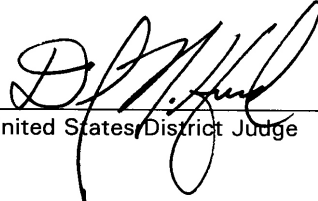
Accordingly, it is

ORDERED that

1. The petition is GRANTED with respect to petitioner's conviction on counts two, four, six, and eight of the indictment against him, and the convictions REVERSED;
2. The petition is otherwise DENIED and DISMISSED;
3. The matter is returned to the state courts for further proceedings consistent with the recommendations of the magistrate judge.

IT IS SO ORDERED.

Dated: February 28, 2006
Utica, New York.


United States District Judge